

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PALM SPRINGS-SOUTH COAST FIELD OFFICE

DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment CA-660-00-35

ACTION: Temporary closure prohibiting motorized-vehicle use of Dunn Road and other routes on public lands, including the Dry Wash route, except as specifically authorized by the BLM.

DECISION: It is my decision to approve the proposed action as described in Environmental Assessment CA-660-00-35. The approved action is in conformance with applicable land use plans and will not cause unnecessary or undue degradation.

This action is necessary to minimize adverse impacts to the endangered Peninsular bighorn sheep population in the Santa Rosa Mountains until such time that actions providing for recovery of the population as determined through the Coachella Valley Multiple Species Habitat and Natural Communities Conservation Plan are approved. To minimize such impacts it is necessary to temporarily exclude unauthorized vehicular access to public land portions of Dunn Road.

In accordance with the California Desert Conservation Area (CDCA) Plan (1980), as amended, routes of travel on public lands are available for motorized-vehicle use by the general public unless access is limited by a temporary closure or through the route designation process. The current physical limitation on access to Dunn Road—a locked gate on public lands—does not permit access by the general public; this limitation does not conform with the CDCA Plan absent a closure order. In accordance with Title 43 Code of Federal Regulations 1610.5-3, a Federal action must conform with the approved land use plan. Approval of the proposed action brings maintenance of this locked gate into conformance with the CDCA Plan.

A decision in favor of the No Action Alternative would increase the possibility of adverse impacts to bighorn sheep with the allowance of general public access to public land portions of Dunn Road. In light of the BLM's commitment to provide for recovery of Peninsular bighorn sheep, this action is unacceptable.

FINDING OF NO SIGNIFICANT IMPACT: Environmental impacts associated with the proposed action have been assessed. Based on the analysis provided in the attached Environmental Assessment, I conclude the proposed action is not a major federal action and will result in no significant impacts to the environment in accordance with the criteria at Title 40 Code of Federal Regulations 1508.18 and 1508.27. Preparation of an Environmental Impact Statement to further analyze possible impacts is not required pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969.

APPEALS: This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at Title 43 of the Code of Federal Regulations (CFR), Part 4, and the information provided in Form 1842-1 (enclosed). If an appeal is taken, your notice of appeal must be filed in the Palm Springs-South Coast Field Office, Bureau of Land Management, U.S. Department of the Interior, 690 West Garnet Avenue, P.O. Box 1260, North Palm Springs, California 92258, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

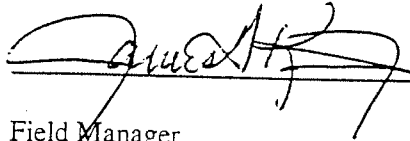
If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, pursuant to Title 43 of the Code of Federal Regulations, Part 4, Subpart E, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) the relative harm to the parties if the stay is granted or denied,
- (2) the likelihood of the appellant's success on the merits,
- (3) the likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) whether the public interest favors granting the stay.

APPROVED BY:



Field Manager
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U.S. Department of the Interior
690 West Garnet Avenue
P.O. Box 1260
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8/3/00
Date